

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LUIS AROCHO SR., on behalf of LUIS AROCHO JR., and EAVEN AROCHO,	:	CIVIL ACTION NO. 1:05-CV-1107
	:	
	:	(Judge Conner)
	:	
Petitioner	:	
	:	
v.	:	
	:	
CAMP HILL CORRECTIONAL FACILITIES, et al.,	:	
	:	
	:	
Respondents	:	
	:	

ORDER

AND NOW, this 1st day of June, 2005, upon consideration of the petition for writ of habeas corpus, signed by Luis Arocho Sr., asserting a right to relief under 28 U.S.C. § 2254 on behalf of Luis Arocho Jr.,¹ and it appearing that the petition does not indicate whether Luis Arocho Sr. was authorized by Luis Arocho Jr. to sign the petition, see 28 U.S.C. § 2242; R. GOVERNING § 2254 CASES R. 2(c)(5), or explain why Luis Arocho Jr. is unable to appear on his own behalf to prosecute this action, see *Whitmore v. Arkansas*, 495 U.S. 149, 161-66 (1990); R. GOVERNING § 2254 CASES R. 2 advisory committee notes-2004, it is hereby ORDERED that:

¹ The petition also names Eaven Arocho, the son of Luis Arocho Jr. and grandson of Luis Arocho Sr., as a petitioner, but it does not assert any constitutional violations against Eaven Arocho that would be cognizable in a petition for writ of habeas corpus. See, e.g., 28 U.S.C. § 2254.

1. Luis Arocho Sr. shall file, on or before June 13, 2005, an affidavit indicating whether Luis Arocho Sr. was authorized by Luis Arocho Jr. to sign the petition and explaining why Luis Arocho Jr. is unable to appear on his own behalf to prosecute this action.
 - a. The affidavit shall be signed by Luis Arocho Sr. under penalty of perjury.
 - b. The affidavit may be accompanied by other exhibits, including an affidavit by Luis Arocho Jr., relating to whether Luis Arocho Sr. was authorized by Luis Arocho Jr. to sign the petition and shall explain why Luis Arocho Jr. is unable to appear on his own behalf to prosecute this action.
2. Failure to file a timely affidavit will be construed as admissions that Luis Arocho Sr. was not authorized by Luis Arocho Jr. to sign the petition and that Luis Arocho Jr. is able to appear on his own behalf to prosecute this action and will result in the dismissal of the petition for writ of habeas corpus for lack of jurisdiction. See Whitmore, 495 U.S. at 161-66.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge